

PBT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

RUDOLPH RUFUS SUTTON, Jr.

19 1943

(In the space above enter the full name(s) of the plaintiff(s).)

- against -

BANK OF AMERICA, N.A.

COMPLAINT

Jury Trial: ☒ Yes ☐ No

(check one)

FILED

MAY 06 2019

KATE BARKMAN, Clerk
By _____ Dep. Clerk

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff	Name	<u>RUDOLPH RUFUS SUTTON, Jr. - I.D.#BH-2529</u>
	Street Address	<u>1200 Mokychić Drive</u>
	County, City	<u>Collegeville, Pennsylvania</u>
	State & Zip Code	<u>Pennsylvania 19426</u>
	Telephone Number	<u>- NA-</u>

- B. List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name BANK OF AMERICA, N.A.
 Street Address 1314 South 18th Street
 County, City Philadelphia
 State & Zip Code Pennsylvania, 19146

Defendant No. 2 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____

Defendant No. 3 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____

Defendant No. 4 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

- A. What is the basis for federal court jurisdiction? (check all that apply)
 ☐ Federal Questions ☒ Diversity of Citizenship

- B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? DUE PROCESS OF LAW, VIOLATION
VIOLATION OF THE FHA Modernization Act, Title I of
Division B of the Housing and Economic Recovery Act of
2008.

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship NA

Defendant(s) state(s) of citizenship NA

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? 1314 South 18th Street
Philadelphia, Pennsylvania Zip Code - 19146.

B. What date and approximate time did the events giving rise to your claim(s) occur? The morning
of April the 29th day, in the year 2010.

What
happened
to you?

C. Facts: The plaintiff, has been deprived of his property,
without due process of law, deprived of his right to be present
before the tribunal which pronounced judgment upon the question
of plaintiff's property. Plaintiff, was deprived of his right
to be heard by testimony, to controvert, by proof of material
fact. Questions of fact and liability have been conclusively
presumed, which is not due process of law.

Who did
what?

The defendant, Bank of America, N.A., has violated a legal duty
imposed by General Law, i.e. Legislature. The breach of defend-
ant's, duty has resulted in negligence, as the legal cause, and
"but for" the actor Bank of America's, N.A., negligence the
plaintiff's, injury would not have occurred.

Was
anyone
else
involved?

KML Law Group, Nation Star Mortgage, Co., Champion Mortgage,
LLC, One Reverse Mortgage, LLC, and the administrator of the
estate, Mr. Rudolpho Rufus Sutton.

Who else
saw what
happened?

Ms. Velvette Sutton, Matthews, Mrs. Violet Sutton, Henderson,
Lawson, and Mr. Angel Jardean.

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. Plaintiff, has been deprived of Constitutional Right to due process of law. Right to be heard and to defend. The law requires that plaintiff, has protection of Day in Court and benefit of general law. Plaintiff, has lost his property by circumstances of malice, fraud, predatory lending and wicked conduct on the part of defendant, Bank of America, which has caused mental anguish, laceration of plaintiff's, feelings, shame, degradation and other aggravations due to the defendant's evil behavior and outrageous conduct. But for, defendant Bank of America's, conduct plaintiff's, injury would not have occurred.

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

The relief plaintiff, is seeking, is his day in court, to be allowed to present proof before a jury, of every material fact which bears on the question of right in the matter involved. To present many questions of fact and liability and to show but for, defendant's negligence, there would be no injury. Plaintiff, will be seeking at trial, compensatory damages, punitive damages and irreparable damages, in the amount of (1.5 Million Dollars) for the loss of real property, family heirlooms, pain and suffering, and to punish the defendant, Bank of America, N.A., for its evil behavior, to set an example for future and or similar outrageous conduct, which is the basis for plaintiff, seeking such monetary compensation. Plaintiff, prays, this Honor Court will grant plaintiff the relief of having his day in court, in the name of justice.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 5 day of May, 20 19

Signature of Plaintiff Rudolph R. Sutton Jr.

Signature of Plaintiff Rudolph R. Sutton Jr.

Mailing Address 1200 Mokychic Drive
Collegegeville, Pa 19426

Telephone Number -NA-

Fax Number (if you have one) -NA-

E-mail Address -NA-

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this 5 day of May, 20 19, I am delivering this complaint to prison authorities to be mailed to the Clerk's Office of the United States District Court for the Eastern District of Pennsylvania.

Signature of Plaintiff: Rudolph R. Sutton Jr.
Inmate Number BH-2529

Signature of Plaintiff Rudolph R. Sutton Jr.

THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

PLAINTIFF : DEFENDANT
:
RUDOLPH RUFUS SUTTON, JR. : BANK OF AMERICA, N.A.
Pro se :

To the Clerk's Office of the United States District Court for
the Eastern District of Pennsylvania.

I, Rudolph Rufus Sutton, Jr., Plaintiff in the above captioned
matter, do hereby give notice that I the Plaintiff, has granted
permission to Mr. Rudolpho R. Sutton, to deliver the attached
document, i.e. Civil Complaint, to the Clerk's Office of the
United States District Court for the Eastern District of
Pennsylvania.

Plaintiff, has granted, Mr. Sutton, Power Of Attorney, to act
on Plaintiff's, behalf, in addition to the fact Mr. Sutton, has
graciously offered to pay all necessary filing fees and court
cost.

I thank you advance for your cooperation and assistance in
this matter.

Sincerely yours,
Rudolph Rufus Sutton, Jr.
Inmate # BH-2529

Date: May 5, 2019

By agent:

Rudolpho R. Sutton
Rudolpho R. Sutton, Sr.

By:

Rudolph R. Sutton Jr.
Without Prejudice

By:

Rudolph R. Sutton Jr.
Rudolph R. Sutton, Jr.

NOTICE

THE PURPOSE OF THIS POWER OF ATTORNEY IS TO GIVE THE PERSON YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR PROPERTY, WHICH MAY INCLUDE POWERS TO SELL OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU.

THIS POWER OF ATTORNEY DOES NOT IMPOSE A DUTY ON YOUR AGENT TO EXERCISE GRANTED POWERS, BUT WHEN POWERS ARE EXERCISED, YOUR AGENT MUST USE DUE CARE TO ACT FOR YOUR BENEFIT AND IN ACCORDANCE WITH THIS POWER OF ATTORNEY.

YOUR AGENT MAY EXERCISE THE POWERS GIVEN HERE THROUGHOUT YOUR LIFETIME, EVEN AFTER YOU BECOME INCAPACITATED, UNLESS YOU EXPRESSLY LIMIT THE DURATION OF THESE POWERS OR YOU REVOKE THESE POWERS OR A COURT ACTING ON YOUR BEHALF TERMINATES YOUR AGENT'S AUTHORITY.

YOUR AGENT MUST KEEP YOUR FUNDS SEPARATE FROM YOUR AGENT'S FUNDS.

A COURT CAN TAKE AWAY THE POWERS OF YOUR AGENT IF IT FINDS YOUR AGENT IS NOT ACTING PROPERLY.

THE POWERS AND DUTIES OF AN AGENT UNDER A POWER OF ATTORNEY ARE EXPLAINED MORE FULLY IN 20 Pa. C. S. CHAPTER 56.

IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER OF YOUR OWN CHOOSING TO EXPLAIN IT TO YOU.

I HAVE READ OR HAD EXPLAINED TO ME THIS NOTICE AND I UNDERSTAND ITS CONTENTS.

Rudolph R. Sullivan

(PRINCIPAL)

12-13-2012

(DATE)

POWER OF ATTORNEY

I, Rudolph R. Sutton Jr., Of Montgomery County,

Pennsylvania, do hereby appoint Rudolph R. Sutton of

1314 So. 18th Street, Philadelphia, Pennsylvania 19146 as my

true and lawful attorney-in-fact (hereafter referred to as "my agent") with full power of substitution, for me and in my name, to transact all my business and to manage all my property and affairs as I might do if personally present, **including but not limited to the following powers**, the implementation of which shall be in accordance with 20 Pa. Cons. Stat. Ann. § 5603.

POWERS

1. POWER TO ENGAGE IN REAL PROPERTY TRANSACTIONS:

(a). Acquire or dispose of real property (including the principal's residence) or any interest therein, including, but not limited to, the power to buy or sell at public or private sale for cash or credit or partly for each; exchange, mortgage, encumber, lease for any period of time; give or acquire options for sales, purchases, exchanges or leases; buy at judicial sale any property on which the principal holds a mortgage.

(b). Manage, repair, improve, maintain, restore, alter, build protect or insure real property; demolish structures or develop real estate or any interest in real estate.

(c). Collect rent, sale proceeds and earnings from real estate; pay, contest, protest and compromise real estate taxes and assessments.

(d). Release in whole or in part, assign the whole or a part of, satisfy in whole or in part and enforce any mortgage, encumbrance, lien or other claim to real property.

(e) Grant easements, dedicate real estate, partition and subdivide real estate and file plans, applications or other documents in connection therewith.

(f) In general exercise all powers with respect to real property that the principal could if present.

2. POWER TO ENGAGE IN TANGIBLE PERSONAL PROPERTY TRANSACTIONS:

(a) Buy, sell, lease, exchange, collect, possess and take title to tangible personal property.

(b) Move, store, ship, restore, maintain, repair, improve, manage, preserve and insure tangible personal property.

(c) In general, exercise all powers with respect to tangible personal property that the principal could if present.

3. POWER TO ENGAGE IN BANKING AND FINANCIAL TRANSACTIONS:

(a) Sign checks, drafts, orders, notes, bills of exchange and other instruments ("items") or otherwise make withdrawals from checking, savings, transaction, deposit, loan or other accounts in the name of the principal and endorse items payable to the principal and receive the proceeds in cash or otherwise.

(b) Open and close such accounts in the name of the principal, purchase and redeem savings certificates, certificates of deposit or similar instruments in the name of the principal and execute and deliver receipts for any funds withdrawn or certificates redeemed.

(c) Deposit any funds received for the principal in accounts of the principal.

(d). Do all acts regarding checking, savings, transaction, deposit, loan or other accounts, savings certificates, certificates of deposit or similar instruments, the same as the principal could do if personally present.

(e). Sign any tax information or reporting form required by Federal, State or local taxing authorities, including, but not limited to, any Form W-9 or similar form.

(f). In general, transact any business with a banking or financial institution that the principal could if present.

4. POWER TO BORROW MONEY:

(a). the power to borrow money and pledge or mortgage any properties that the principal owns as security.

5. POWER TO ENTER SAFE DEPOSIT BOXES:

(a). Enter any safe deposit box in the name of the principal; add to or remove the contents of such box, open and close safe deposit boxes in the name of the principal; however, the agent shall not deposit or keep in any safe deposit box of the principal any property in which the agent has a personal interest.

6. POWER TO ENGAGE IN INSURANCE TRANSACTIONS:

(a). Purchase, continue, renew, convert or terminate any type of insurance (including, but not limited to, life, accident, health, disability or liability insurance) and pay premiums and collect benefits and proceeds under insurance policies.

(b). Exercise no-forfeiture provisions under insurance policies.

(c). In general, exercise all powers with respect to insurance that the principal could if present; however, the agent cannot designate himself

beneficiary of a life insurance policy unless the agent is the spouse, child, grandchild, parent, brother or sister of the principal.

7. AUTHORIZE ADMISSION TO MEDICAL FACILITY AND MEDICAL PROCEDURES:

(a) Apply for the admission of the principal to a medical, nursing, residential or other similar facility, execute any consent or admission forms required by such facility which are consistent with this paragraph, and enter into agreements for the care of the principal by such facility or elsewhere during his lifetime or for such lesser period of time as my agent may designate, including the retention of nurses for the principal.

(b) Arrange for and consent to medical, therapeutically and surgical procedures for the principal, including the administration of drugs.

8. HANDLE INTERESTS IN ESTATES AND TRUSTS:

(a) Receive a bequest, devise, gift or other transfer of real or personal property to the principal in the principal's own right or as a fiduciary for another and give full receipt and acquittance or a refunding bond therefor; approve accounts of any estate, trust, partnership or other transaction in which the principal may have an interest; and enter into any compromise and release in regard thereto.

9. PURSUE CLAIMS AND LITIGATION:

(a) Institute, prosecute, defend, abandon, arbitrate, compromise, settle or otherwise dispose of, and appear for the principal in, any legal proceedings before any tribunal regarding any claim relating to the principal or to any property interest of the principal.

(b) Collect and receipt for any claims or settlement proceeds; waive or release rights of the principal; employ and discharge attorneys and others

on such terms (including contingent fee arrangements) as the agent deems proper.

(c) In general, exercise all powers with respect to claims and litigation that the principal could if present.

10. RECEIVE GOVERNMENT BENEFITS:

(a) Prepare, sign and file any claim or application for Social Security, unemployment, military service or other government benefits; collect and receipt for all government benefits or assistance; and, in general, exercise all powers with respect to government benefits that the principal could if present.

11. PURSUE TAX MATTERS:

(a) Prepare, sign, verify and file any tax return on behalf of the principal, including, but not limited to, joint returns and declarations of estimated tax; examine and copy all the principal's tax returns and tax records.

(b) Sign an Internal Revenue Service power of attorney form.

(c) Represent the principal before any taxing authority; protest and litigate tax assessments; claim, sue for and collect tax refunds; waive rights and sign all documents required to settle, pay and determine tax liabilities; sign waivers extending the period of time for the assessment of taxes or deficiencies.

(d) In general, exercise all powers with respect to tax matters that the principal could if present.

POWERS GENERALLY

All powers described herein shall be exercisable with respect to any matter in which the principal is in any way interested at the giving of the power of attorney or thereafter and whether arising in this Commonwealth or elsewhere.

THIRD PARTY LIABILITY AND IMMUNITY

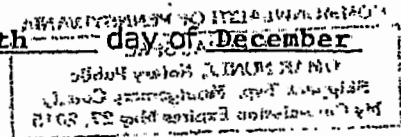
Any person, who is given instructions by my agent in accordance with this power of attorney, shall comply with the instructions, subject to the provisions of 20 Pa. C. S. §5608(a).

Any person who acts in good faith reliance on this power of attorney shall incur no liability as a result of acting in accordance with the instructions of my agent. 20 Pa. C. S. A. §5608(b).

PENNSYLVANIA LAW GOVERNS

Questions pertaining to the validity, construction and powers created under this Instrument shall be determined in accordance with the laws of the Commonwealth of Pennsylvania.

I have signed this power of attorney this 18th day of December month, 2012 year.



Rudolph R. Sutton
(Principal)

(Social Security Number)

STATE OF Pennsylvania

SOCIAL SECURITY NUMBER

COUNTY OF Montgomery

On this 13 th day of December, 2012, before

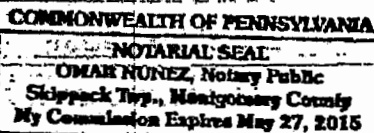
me, Omar Nunez, the undersigned officer, personally appeared Rudolph R. Sutton Jr., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she did execute the same for the purposes therein contained.

In witness whereof, I have signed my name and affixed my official seal.

Commonwealth of Pennsylvania
County of Montgomery

[Signature]
NOTARY PUBLIC

MY COMMISSION EXPIRES:



ACKNOWLEDGMENT EXECUTED BY AGENT

I, Rudolpho R. Sutton, have read the attached power of attorney and am the person identified as the "agent" for the principal. I hereby acknowledge that in the absence of a specific provision to the contrary in the power of attorney or in 20 Pa. C. S. when I act as agent:

I shall exercise the powers for the benefit of the principal.

I shall keep the assets of the principal separate from my assets.

I shall exercise reasonable caution and prudence.

I shall keep a full and accurate record of all actions, receipts and disbursements on behalf of the principal.

Rudolpho R. Sutton
(Agent)

12/16/2012
(Date)

PBT

UNITED STATES DISTRICT COURT

19 1943

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: R.R. Sutton, 1200 Mokychic Drive, Collegeville PA 19426

Address of Defendant: Bank of America, N.A. 1314 So. 18 St., Philadelphia, PA 19146

Place of Accident, Incident or Transaction: 1314 South 18th St., Philadelphia, Pennsylvania 19146
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ IN ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases
(Please specify) Due process of law violation

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 5/5/2019

Rudolph R. Sutton, pro se

ID. # BH-2529

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 5/5/2019

Rudolph R. Sutton

BH-2529

CIV. 609 (5/2012)

By: Rudolph R. Sutton

PBT

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

RUDOLPH RUFUS SUTTON, Jr.

pro se

v.

BANK OF AMERICA, N.A.

CIVIL ACTION

NO. **19** **1943**

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) (X)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

May 5, 2019
Date

R. R. Sutton, Pro se

Pro se for R. R. Sutton

NA

NA

NA

Telephone

FAX Number

E-Mail Address